IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

Bail Appl..No. 7335 of 2006()

CMP.5881/2006 of J.M.F.C.,KATTAKADA
CR.NO.82/06 OF KATTAKKADA EXCISE RANGE.

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PETITIONER/ACCUSED:

RAJAMMA (RADHA), AGED 56,
S/O. SREEMATHY, THERUVILA PUTHEN VEEDU,
KUZHYVILA CHEKKITTAPPARA, KARODE DESOM,
VILAPPIL VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REP. BY DIRECTOR GENERAL OF PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7335 OF 2006

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DATED THIS THE 2ND DAY OF JANUARY, 2007

O R D E R

Petitioner, a lady, who is the sole accused in Cr.No.82/06 of Kattakkada Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 5 liters of arrack on 2.11.2006 and who was arrested on the same day, seeks her enlargement on bail.

2. Even though the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in four other cases involving similar offences, he fairly conceded that no final report has been filed in this case in spite of 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to section 167 (2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on her executing a bond for Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Kattakkada and subject to the following conditions:

1. The petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

2. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn